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CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY: 

DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

FERNANDO OSUNA HERNANDEZ,

Defendant.

Criminal Case No. 08-MJ-0067

**ORDER OF DETENTION ON  
DEFENDANT'S WAIVER OF BAIL  
PENDING REMOVAL**

In accordance with the Bail Reform Act of 1984, 18 U.S.C. § 3142(f), a detention hearing was scheduled for January 15, 2008, to determine whether defendant, Fernando Osuna-Hernandez, (the "Defendant") should be held in custody without bail pending trial and, if convicted, sentencing in the above-captioned matter. Assistant U.S. Attorney Fred Sheppard appeared on behalf of the United States. Attorney Gary Burcham appeared on behalf of Defendant.

At the hearing on January 15, 2008, Defendant knowingly and voluntarily waived his right, on the record and in the presence of counsel, to the setting of bail and a detention hearing. Based on that waiver, the Court orders that Defendant be detained pending trial and, if convicted, sentencing in these matters, without prejudice or waiver of Defendant's right to later apply for bail and conditions of release, and without prejudice or a waiver of the right of the United States to seek detention in the event of an application by Defendant for such relief.

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2 **ORDER**

3 IT IS HEREBY ORDERED that the Defendant be detained pending trial and, if  
4 convicted, sentencing in these matters.

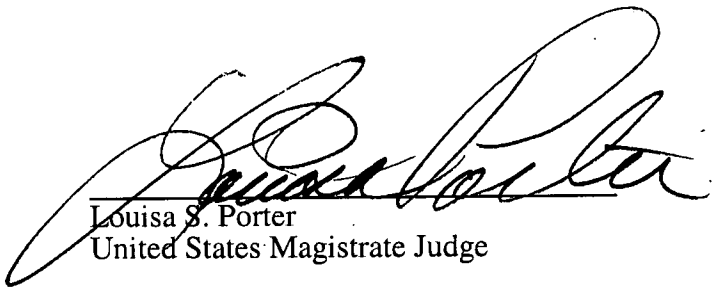
5 IT IS FURTHER ORDERED that the Defendant be committed to the custody of the  
6 Attorney General or his designated representative for confinement in a corrections facility  
7 separate, to the extent practicable, from persons awaiting or serving sentences or being held in  
8 custody pending appeal. The Defendant shall be afforded reasonable opportunity for private  
9 consultation with counsel.

10 While in custody, upon order of a court of the United States or upon the request of an  
11 attorney for the United States, the person in charge of the correctional facility shall deliver the  
12 Defendant to the United States Marshal for the purpose of an appearance in connection with a  
13 court proceeding or any other appearance stipulated to by defense and government counsel.

14 This order is made without prejudice to modification by this Court and without  
15 prejudice to the Defendant's exercise of his right to and a detention hearing at a future date.

16  
17 IT IS SO ORDERED.

18  
19 Dated: 1/17/08

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21 Louisa S. Porter  
22 United States Magistrate Judge  
23  
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